REMARKS

Claims 13-46 are pending in the application. New Claims 35-45 have been added. Claims 35-46 reflect original Claims 1-12 which were canceled (with traverse) in the face of the Office's Restriction Requirement. As the Requirement has been withdrawn, new Claims 34-46 reflecting Claims 1-12, respectively are included. Support for the amendment may be found in as filed Claims 1-12. Applicant respectfully requests allowance of the subject application.

35 U.S.C. § 102(e) Rejection

For the purposes of this reply, all references to Claims 1-12 will now reference as Claims 35-46, i.e., as the subject matter of Claim 1 is now reflected in Claim 35 and so on through Claim 12.

Claims 13-46 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Number 6,513,019 issued to Lewis (herein referred to as "Lewis"). Applicants traverse this rejection. As the Office is aware, the Office "ordinarily should reject each claim on all valid grounds available." *M.P.E.P. §707.07(g)* Further, "[w]here a major technical rejection is proper, it should be stated with a full development of reasons rather than by a mere conclusion coupled with some stereotyped expression." *Id.*

In the instant Action, the Office has failed to carry the burden of proving a *prima facie* case of anticipation as the Action simply repeats the claim language of Claims 35-46 (originally Claims 1-12) and Claim 30 with citations to broad passages in Lewis. Moreover, as the outstanding Action comprises a single

omnibus rejection, without any indication of which claim(s) are relevant to the citation, Applicant will align this reply to the claims most closely associated with the recited language. The remaining un-discussed claims are traversed under the same basic rationale.

Independent Claim 35 (previously Claim 1) is not anticipated by the Lewis reference for at least the following reasons. Claim 35 in part recites,

- "determining if a prior version is present in the object storage pool:

    determining a data differential between the formatted data object and the prior version;

    updating the prior version of the formatted data object to correspond with the generated formatted data object; and

- broadcasting the data differential on an output broadcast data channel;

- otherwise, if no prior version is present in the object storage pool;

- providing the formatted data object to subscriber processes"

Lewis fails to disclose at least these features. The Office Action cites "col.5, line 60 to col.6, line 28; col. 8, line 48 to col. 9, line 15; col. 10 line 34 to col. 22, line 41; col. 12 lines 45-65; and col.20, lines 40-45" as disclosing these features. Instant Action, Page 3. The Office is reminded that, "[w]e think the precise language of 35 U.S.C. 102 that "a person shall be entitled to a patent unless," concerning novelty and unobviousness, clearly places a burden on the Patent Office which requires it to produce the factual basis for its rejection of an application under sections 102 and 103. . ." *In re Warner*, 379 F.2d 1011, 154

U.S.P.Q. 173, 178 (C.C.P.A. 1967), cert denied, 389 U.S. 1057 (1968). The Office's present rejection is incorrect. The Lewis reference, col.5, line 60 to col.6, line 28 discusses objects of the invention but fails to disclose how the asserted goals are achieved. In order for a reference to anticipate the claim, the reference must describe the claimed invention with sufficient clarity. *ATD Corp.v. Lydall, Inc.*, 48 USPQ.2d 1321,1328 (Fed. Cir. 1998) citing *In re Spada*, 15 USPQ.2d 1655, 1657 (Fed. Cir. 1990). Emphasis added. Similarly, the Office's reliance on Lewis col. 8, line 48 to col. 9, line 15 is flawed as the passage discusses desired functionalities without providing any disclosure of how the integrated computer system, discussed in the passage, functions.

The next Lewis passage, Col. 10, line 34 to Col. 22, line 41 (comprising 12 columns), also fails to disclose the present invention. While Lewis Col. 10-22 is generally directed to a financial system, the passage (as well as rest of Lewis) fails to disclose at least the features of determining "if a prior version. . .is present" and "if a prior version is present. . .determining a data differential." The Lewis Col. 10-22 passage is only directed to a message transaction system which determines if the message corresponds to a transaction type. In Lewis, if the message does not correspond to a type, the message is rejected and a report is generated. The remainder of the passage focuses on the processing of data at an "information server level." *Lewis*, Col. 10, lines 34-42. At no time, in either the cited portion of Lewis or Lewis on the whole, is a determination made and a differential determined or a data differential broadcast. In Lewis, the message is either passed on to the appropriate information server or the message is rejected. *Lewis*, Col. 10, lines 34-67. The only relevant manipulation prior to "transfer to the appropriate information server", in Lewis, is to enrich (i.e., fill out) the message. This

disclosure fails to directly or indirectly disclose "determining a data differential" and "providing the formatted data object to subscriber processes", as recited in the claim. *Lewis*, Col. 10, line 65. The remaining Lewis citations fail to correct this deficiency. Removal of the pending rejection to Claim 35 (Claim 1) is respectfully requested and allowance is solicited.

Claims 36-46 are allowable based each claims dependency, either directly or indirectly, from Claim 35 which is believed to be in a condition for allowance as the Office has failed to show a *prima facie* case of anticipation with respect to Claim 35. Moreover, Claims 36-46 recite additional features which are not shown in the art of record. Claims 43-45 are also allowable based on the same rationale as applied to intervening dependent Claim 42. Removal of the pending rejection is requested and allowance is solicited.

Claim 36 is further allowable as the first two cited Lewis passages (col.5, line 60 to col. 6, line 28, and col. 8 line 48 to col. 9 line 15 (generally appearing on Page 3, line 7-11)) discuss goals instead of providing a disclosure of how the desired functionality is achieved. With respect to the Lewis, Col. 10-22 citation, this passage also fails to disclose "an associated sequence number" including the step of "broadcasting the sequence number associated with the formatted data object." The Col. 10-22 citation is misplaced because the passage never discloses applying a sequence number. Instead, the Col. 10-22 passage is directed to discussing the application of rules within the Accounting Information Server and the Market Data Information Server and does not address associating a sequence number or providing the formatted data object to subscriber processes. The remaining two citations to col. 12 and col. 20 are moot as each is contained within

the Col. 10-22 citation. Removal of the pending rejection is requested and allowance is solicited.

Claim 40 (originally Claim 6) is further allowable as the cited passages, Col. 5 - Col. 6 and Col. 8-9 (Page 3, second to last line) discuss goals, rather than providing a disclosure of how the desired functionality is achieved. The citation of Lewis Col. 10-22 is inappropriate as the passage fails to disclose "translating the raw data object into a raw event comprising at least one name-value pair prior to performing the steps of determining an object type of the raw data object and generating a formatted data object." In contrast to the foregoing, Col. 10-22 is directed to processing data at an information server level. As not all the claim features are disclosed, a *prima facie* case of anticipation does not exist. Removal of the pending rejection is requested and allowance is solicited.

Claim 41 is not anticipated as Lewis fails to disclose either directly or inherently "validating contents" and "preventing subsequent broadcast of the data differential." As discussed above, the first two citations, commencing at Cols. 5 & 8, discuss goals rather than providing a tangible disclosure of how to accomplish the goals. The remaining Col. 10-22 passage is inapplicable as passage fails to validate contents or prevent subsequent broadcast of a data differential. The Col. 10-22 reference is directed to discussing manipulation of the data by the Accounting Information Server and the Market Data Information Server after transfer instead of steps associated with broadcast of the data. The remaining citations have been addressed as both are encompassed in the Col. 10-22 passage. Removal of the pending rejection is requested and allowance is solicited.

Claim 42 is additionally allowable over the Lewis reference as the "col.5, line 60 to col.6, line 28; col. 8, line 48 to col. 9, line 15; col. 10 line 34 to col. 22,

line 41; col. 12 lines 45-65; and col.20, lines 40-45" citation, forming the entirety of the rejection, fail to address (at least) "updating the stored formatted data object in accordance with the received data differential", as recited. Lewis, Col. 10, lines 34-67, discuss an all or nothing system in which a message is either transferred or rejected. The rest of the citation fails provide any other disclosure which would modify the foregoing passage. The Col. 10-22 passage simply addresses processing of data at the information server level and does not implement a data differential during processing. Removal of the pending rejection is requested and allowance is solicited.

Claim 30 is pending an anticipation rejection over Lewis (Page 5, last line through Page 6). Applicant traverses the rejection. Claim 30 is allowable as depending from Claim 24 which is not specifically rejected in the Pending Action. Further, Claim 30 recites additional features which are not shown in the art of record. Claim 30 in part recites,

• "the object typing and formatting rules are stored in a tree format; the tree having a root node and at least one descendant stream nodes, each stream node being associated with a specific raw data stream; each stream node further having at least one type leaf node descending therefrom, each type leaf node being associated with a specific object type carried by the raw data stream associated with the respective stream node"

Once again, Lewis: Col. 5, line 60 to Col. 6, line 28; Col. 8, line 48 to Col. 9, line 15; Col. 10, line 34 to Col. 22, line 41; Col. 12, lines 45-65; and Col. 20, lines 40-45, is cited as basis of the pending rejection. The Office is incorrect. As noted above, the Col. 5 and 6 references are inappropriate because the relevant

portions discuss goals rather than providing a disclosure of how the system operates. The remaining passages do not disclose formatting rules stored in "a tree format. . .having a root node. . . and at least one stream node." Col. 10-Col. 22 discusses data handling at an information server level and discusses a database arrangement in FIG. 11 (below) which does not contain object typing and formatting rules or implement a tree format . . . having a root node.
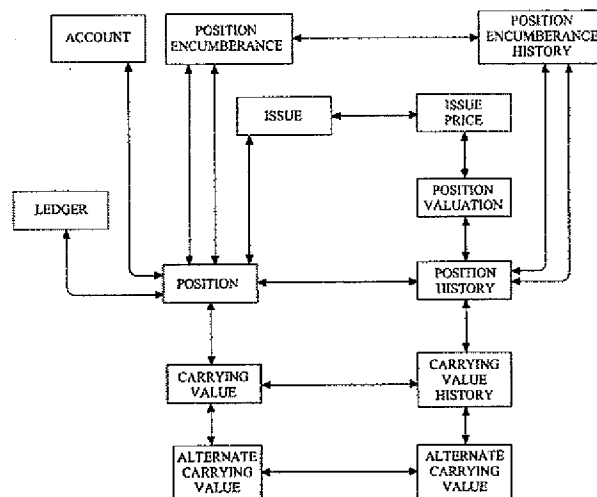

FIG. 11

Removal of the pending rejection is requested and allowance is solicited.
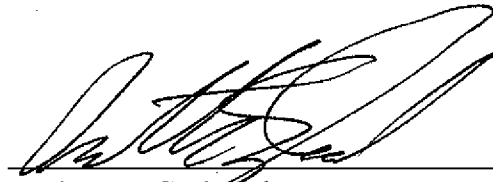
Conclusion

All of the claims are in condition for allowance. Accordingly, Applicant requests a Notice of Allowability be issued forthwith. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability,

Applicant respectfully requests a telephone call for the purpose of scheduling an interview.

Respectfully Submitted,

Dated: _2.27.07_　　　　By: _____

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